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AUG 05 2005

Tyco Healthcare Group LP #4  
Legal - Intellectual Property  
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**Telefax Transmission**

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**Date** August 5, 2005  
**Company** U.S. PATENT & TRADEMARK OFFICE  
**Attention** Commissioner for Patents  
Mail Stop Missing Parts  
**Fax No.** (571) 273-8300  
**From** Edward S. Jarmolowicz  
**Subject** Application Serial No. 10/532,392  
I.A. Filing Date: 10/23/2003  
Title: Automatic Valve  
Conf. No. 1773  
Art Unit: Unknown  
**No. of Pgs.** /2

Honorable Commissioner:

Applicant herewith submits the following documents in connection with the subject application:

- > Response to Notice to File Missing Requirements under 35 U.S.C. 371;
- > Certificate of Transmission;
- > Declaration and Power of Attorney for Patent Application;
- > Copy of Notice to File Missing Requirements under 35 U.S.C. 371 dated 6/06/2005.

Respectfully submitted,

Edward S. Jarmolowicz  
Reg. No. 47,238  
TYCO HEALTHCARE GROUP LP  
15 Hampshire Street  
Mansfield, MA 02048

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AUG 05 2005

**PATENT**  
Atty. Docket No. S-8490 US (1)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(s): Benedict SHIA, et al.

EXAMINER: To Be Determined

SERIAL NO.: 10/532,392

ART UNIT: Unknown

I.A. FILING DATE: October 28, 2003


TITLE: **AUTOMATIC VALVE**Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Honorable Commissioner:

In response to the Notice to File Missing Requirements under 35 U.S.C. 371 dated June 6, 2005, Confirmation No. 1773, Applicant herewith encloses the executed Declaration and Power of Attorney form in compliance with 37 CFR §1.497(a) and (b). Also enclosed is a copy of the Notice to File Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office as required.

Kindly charge the declaration surcharge amount of \$130.00 to Deposit Account No. 500726 pursuant to 37 CFR §1.492 (e).

Respectfully submitted,

Date: Aug 5, 2005  
Edward S. Jarmolowicz, Esq.  
Atty. Registration No. 47,238  
Attorney for Applicant  
TYCO HEALTHCARE GROUP LP  
15 Hampshire Street  
Mansfield, MA 02048  
Tel: (508) 261-8476

08/10/2005 GFREY1 00000140 500726 10532392

01 FC:1617 130.00 DA

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8**

The undersigned hereby certifies that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office to Facsimile No. (571) 273-8300 on the date set forth below.

By:   
Julie D. ParkerDate: August 5, 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Page 1 of 2

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: 22313-1450  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|                             |                       |                      |
|-----------------------------|-----------------------|----------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO.     |
| 10/532,392                  | Benedict Shia         | 20518/59 (S-8490 US) |

 Edward Scott Jarmolowicz  
 TYCO HEALTHCARE GROUP  
 15 Hampshire Street  
 Mansfield, MA 02048

|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/US03/34129                |               |
| LA. FILING DATE               | PRIORITY DATE |
| 10/28/2003                    | 10/28/2002    |

 CONFIRMATION NO. 1773  
 371 FORMALITIES LETTER

\*OC000000016195479\*

Date Mailed: 05/06/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/22/2005
- Copy of the International Search Report filed on 04/22/2005
- Oath or Declaration filed on 04/22/2005
- Request for Immediate Examination filed on 04/22/2005
- U.S. Basic National Fees filed on 04/22/2005
- Priority Documents filed on 04/22/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,

|             |                |
|-------------|----------------|
| Case No.    | 5-849045 Sub 1 |
| Action Code | OK - 2 months  |
| Base Date   | 10/16/05       |
| Due Date    | 8/16/05        |
| Final Date  |                |
| By          | K on 10/9/05   |

**WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO.     |
|-----------------------------|-------------------------------|----------------------|
| 10/532,392                  | PCT/US03/34129                | 20518/59 (S-8490 US) |

FORM PCT/DO/EO/805 (371 Formalities Notice)